

REMARKS

Claims 1, 25, and 28-45 remain in this application.

In the Office Action of July 25, 2003, the Examiner rejected independent Claims 1 and 25, and their dependent Claims 29-38, 40, 41-42, and 44-45 under 35 U.S.C. § 112 paragraph 1 for presenting new matter. The Examiner asserted that the specification as filed provides support for incorporating a nucleotide sequence of interest into either a 3' LTR region or a 5' LTR region, but not into both the 3' and 5' LTR regions. The Examiner also rejected Claims 28, 40, and 43 under 35 U.S.C. § 112 paragraph 2 as indefinite. The Examiner asserted that it was unclear whether Claims 28 and 43 refer to the 3' LTR region and 5' LTR region recited in Claims 1 and 25, respectively. The Examiner asserted that Claim 40 was indefinite for referring to cancelled claims. Finally, the Examiner objected to Claim 39 as being dependent on a rejected base claim, but stated that Claim 39 would be allowable if rewritten in independent form, incorporating the limitations of its base claim, Claim 25, and any intervening claims.

By this Amendment, Applicants amend independent Claims 1 and 25 to reflect that the nucleotide sequence of interest can be incorporated into either a 3' LTR or a 5' LTR. Applicants also amend Claims 28 and 43 to refer to the antecedent 3' LTR and 5' LTR in Claims 25 and 1, respectively. Applicants amend Claim 39 by rewriting it in independent form, incorporating the limitations of claim 25 and the intervening claims. Applicants amend Claim 40 to refer only to pending claims. Finally, Applicants amend Claim 45 to reflect that the sequence of interest and the recognition sequence are incorporated into either the U3 or U5 region.

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Applicants respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing Claims 1, 25, and 28-45 in condition for allowance. Applicants submit that the proposed amendments of Claims 1, 25, 28, 39, 40, 43, and 45 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were previously claimed. It is respectfully submitted that entering this Amendment allows Applicants to reply to the final rejections and places the application in condition for allowance.

Finally, Applicants submit that entering this Amendment places the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

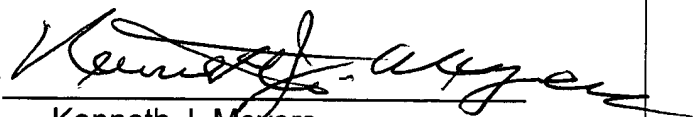
In view of the foregoing remarks, Applicants request this Amendment be entered, and that a timely Notice of Allowance be issued in this case.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: September 25, 2003

By: 
Kenneth J. Meyers
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Attachments: Replacement Sheets 1-4 (Figures 1-4).

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